

Remarks

The Examiner object to the specification based on the use of "bearing section" when describing items labeled 52 and 56. The Examiner suggested the use of "support section" instead. The Examiner also objected to paragraph 70 as being unclear when stating the bearing sections extend in the direction of the pivot axis 42 over approximately half the width of the respective pair of pistons.

With respect to Applicant's figure 6, Applicant submits the piston pairs are on a journal 64 in a pivotable fashion with respect to he journal 64. Thus, Applicant submits the term "bearing section" is proper. In the event the Examiner, after reconsideration, maintains the objections in view of the specification, Applicant will be more than pleased to amend the specification as suggested by the Examiner. With respect to the objections to paragraph 70 based on clarity, Applicant points to figure 6 that shows the bearing sections 52, 56 extending in the direction of the pivot axis 42. Figure 6 further shows that the side wall sections (e.g. 54) are integral with the bearing section (e.g. 52). The other piston 36 of piston pair 32, 36 has a corresponding side wall lying behind the plane of drawing in figure 6. The sidewall 54 and bearing section 52 are integral with one another and the side wall section extends over half the extension of he piston 32 in the direction of the pivot axis 42.

The Examiner rejected claims 1-28 under 35 USC 112 for being indefinite. Applicant respectfully traverses for the following reasons. In view of the statements above directed to the proper use of "bearing section", Applicant submits the rejection to claim 1 should be withdrawn. With regard to claim 2, the double limitation is needed, the first is to illustrate the direction of the extension and the second is to define the width of the piston pair as being taken in the direction of the pivot axis as opposed to the width of the piston pair in the opposite direction. With regard to claim 9, the end elements and side wall sections are not the same. The end element 68 is a spherical cap where the side wall is not.

The Examiner stated claims 3, 4, 14, 15, and 25 were allowable if rewritten to overcome the rejections under 35 USC 112 and to include all the limitations of the base claim and intervening claims. Applicant complied with these requirements and rewrote claim 3 as new claim 29, which should be in condition for allowance.

The Examiner rejected claims 1, 2, 5-11, 23, 24, and 28 under 35 USC 102 as being anticipated by U.S. Patent No. 3,075,506 to Berry without stating where in Berry are Applicant's claimed limitations disclosed. The Examiner rejected claims 12, 13, 16-20, 26, and 27 under 35 USC 103 as being unpatentable.

Applicant's claim 1, the only independent claim rejected in view of Berry, relates to two pairs of pistons rotatable about an axis of rotation; a common pivot axis which runs approximately perpendicularly with respect to the axis of rotation; and where each pair of pistons rotate in opposite directions about the common pivot axis.

Berry does not disclose, teach, or suggest the combination of an axis of rotation; a common pivot axis which runs approximately perpendicularly with respect to the axis of rotation; and where each pair of pistons rotate in opposite directions about the common pivot axis. In fact, a single axis a-b is disclosed in the entire specification of Berry and hence Berry cannot disclose both an axis of rotation and a common pivot axis. Because of this, Berry cannot also disclose the pair of pistons rotating in opposite directions about the common pivot axis.

Because there is no disclosure of these claimed limitations, Berry needs to be modified in order to arrive at Applicant's invention. However, for a rejection under 35 USC 103 to be proper, there must be some motivation for one skilled in the art to make the suggested modification.

Since Berry discloses a single a-b axis whereupon all pistons are rotatable, the pistons must be moved to another axis that is currently non-existent and that the currently non-existent axis must also be perpendicular to the a-b axis. In such a fashion, the pistons are now rotating in a plane perpendicular to the currently disclosed plane. If the pistons are to be moved, the rest of the design of Berry must also be moved. In fact, a complete redesign is necessary in order for Berry to be modified to arrive at Applicant's claimed limitations. Such differences and vast changes can hardly be argued to be inconsequential. Therefore, Applicant submits Berry does not anticipate or render Applicant's claims obvious.

In view of the foregoing, Applicant submits all claims are in condition for allowance.

Respectfully submitted,



October 22, 2007

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